

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

ROBERT BERRY, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

VS.

WELLS FARGO & COMPANY, WELLS
FARGO CLEARING SERVICES, LLC,
and WELLS FARGO ADVISORS
FINANCIAL NETWORK, LLC, and
DOES 1 thru 50,

Defendants.

Civil Action No. 3:17-cv-00304-JFA

**PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Robert Berry ("Class Representative") will move this Court on June 15, 2020, at 10:00 a.m., before the Honorable Joseph F. Anderson, Jr. for entry of the [Proposed] Final Approval Order and Judgment attached hereto, under Rule 23(e) of the Federal Rules of Civil Procedure, approving the proposed Settlement, including its plan of allocation, as fair, reasonable, and adequate.¹

¹ On April 22, 2020, Plaintiff filed an Unopposed Motion to Conduct Settlement Hearing by Videoconference or, Alternatively, Teleconference (ECF No. 133), citing several instances where courts have recently granted such relief. Federal courts continue to hold hearings remotely by videoconference. *See, e.g., Abouzied v. Applied Optoelectronics, Inc.*, No. 4:17-cv-02399 (S.D. Tex. May 1, 2020) (ECF No. 140) ("Motion hearing set for ZOOM conference"); *Cambria Cty. Emp. Retir. Sys. v. Venator Materials PLC*, No. 4:19-cv-03464 (S.D. Tex. Apr. 23, 2020) (ECF No. 72) ("Due to the unique circumstances presented by the COVID-19 pandemic, the hearing will be by videoconference."); *In re Vale, S.A. Sec. Litig.*, Case No. 15 Civ. 9539 (GSW) (S.D.N.Y. Apr. 21, 2020) (ECF No. 196) ("Order Confirming That Final Settlement Hearing Scheduled for June 10, 2020 Will Be Conducted By Telephone").

This motion is based on:

- (1) the Memorandum of Law in Support of Plaintiff's Motion for Final Approval of Class Action Settlement;
- (2) the Joint Declaration of Mathew P. Jasinski, John S. Edwards, Jr., and Douglas P. Needham in Support of Plaintiff's Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation and Class Counsel's Motion for an Award of Attorneys' Fees, Costs, and Expenses, and Incentive Award To Plaintiff;
- (3) the Declaration of Abigail Schwartz for Rust Consulting, Inc.;
- (4) the Declaration of Robert Berry in Support of (1) Plaintiff's Motion for Final Approval of Class Action Settlement; and (2) Class Counsel's Motion for Attorneys' Fees, Costs, and Expenses, and Case Contribution Award to Class Representative;
- (5) the Class Action Settlement Agreement; and
- (6) all other proceedings herein.

CERTIFICATION PURSUANT TO LOCAL RULE 7.02

Pursuant to Local Rule 7.02, Class Counsel certify that, prior to filing the foregoing motion, they conferred with Defendants' counsel. Defendants consent to the relief sought in the motion. The attached memorandum of law, however, has been prepared solely by Class Counsel.

DATED: May 1, 2020

Respectfully submitted,

By: /s/ William S. Norton
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 1, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ William S. Norton

William S. Norton